

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**JENNIFER KIRK,**

**Defendant.**

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**CRIMINAL NO. 11-30093-GPM**

**MEMORANDUM AND ORDER**

**MURPHY, District Judge:**

On July 6, 2011, the Government filed a motion to designate this case as a multiple victim case pursuant to the Justice for All Act of 2004, 18 U.S.C. § 3771(d)(2) (Doc. 10). The Government filed another motion on August 8, 2011, pursuant to 18 U.S.C. § 3663A(c)(3)(B) and 18 U.S.C. § 3664(a), (d), asking the Court to determine that it is impracticable to perform a complete accounting of the losses to each victim in this case and that the Government has exercised its best efforts regarding restitution (Doc. 12). Neither motion was opposed by the Defendant. Both motions are now **GRANTED**.

The Government submits that there are tens of thousands of victims in this case. Individual service is impractical, and the procedure the Government proposes—a public web page—is a reasonable procedure that is not unduly complicated and gives effect to the rights of crime victims outlined in 18 U.S.C. § 3771. The Court is also satisfied that the number of victims here is so large that restitution is impractical and that calculating victims’ restitution would be complicated so as to unduly burden and prolong the sentencing process. 18 U.S.C. § 3663A(c)(3)(A), (B). This is not

a bar on restitution, *see United States v. Grimes*, 173 F.3d 634, 639 (7th Cir. 1999), but an acknowledgment that the Government has expended its best efforts and is not required to over-extend its resources in order to make individual calculations for each victim here. The facts on the record satisfy the Court that mandatory restitution under 18 U.S.C. § 3663A is not applicable here, pursuant to 18 U.S.C. § 3663A(c)(3).

**IT IS SO ORDERED.**

DATED: 9/14/2011

s/ *G. Patrick Murphy*  
G. PATRICK MURPHY  
United States District Judge